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EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

048167

Applicant(s)

Lebas et al

Examiner

Langel

Group Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 11-12-03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

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Applicant's traverse of the restriction requirement has been considered and is deemed persuasive. Accordingly the restriction requirement is withdrawn.

Claims 1-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word "intended" renders the scope of the claims vague and indefinite, since it is not clear as to whether the claims would require that the process step or means which is "intended" is required by the claims, or whether they are not required by the claims but are merely "intended" by the operator of the process or apparatus.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the

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time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 13-15, 18 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Martin et al. No distinction is seen between the process and apparatus disclosed by Martin et al., and that recited in applicant's claims. Applicant's argument, that the differences between the process recited in applicant's claims and that disclosed by Martin et al. are that applicant's claims require that the regeneration gas is a product of partial combustion and that the products of this partial combustion are mixed with used absorbent prior to the regeneration-filtration stage, is not convincing. Martin et al. teach at column 5, lines 41-49 that additional furnace 50 includes a heat-resisting chamber 51 equipped with a gas or an oil burner 52, which burner generates fumes. Martin et al. further teach at column 6, lines 27-30 that the used absorbent is preheated as soon as it leaves dust separator 1, by contacting the used absorbent with hot fumes or hot carrier gases coming from the thermal generator 50 situated at the outlet of dust separator 1. The step of generating hot fumes or hot carrier gases in burner 52 in furnace 50 of Martin et al. would constitute a step of "carrying out partial combustion of a regeneration gas upstream from said regeneration". Moreover, the

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step of contacting the used absorbent with such hot fumes or hot carrier gases as disclosed at column 6, lines 27-30 of Martin et al. would constitute the step of mixing such products of partial combustion with the used absorbent prior to the regeneration-filtration stage as recited in applicant's claims.

Claims 5, 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. as applied to claims 5, 8, 9, 16 and 17 above, and further in view of Canadian 1,136,384. Canadian '384 is relied upon as discussed in the last Office action. The limitations recited in claims 5, 8, 9, 16 and 17 would be further obvious from Canadian '384. Applicant's argument, that Canadian '384 clearly does not disclose and would not have suggested carrying out partial combustion of the regeneration gas upstream from the regeneration and mixing the products of the partial combustion with the used absorbent prior to the regeneration-filtration stage, is not convincing, since Canadian '384 is relied upon merely to show the limitations recited in claims 5, 8, 9, 16 and 17.

This application apparently discloses allowable subject matter (i.e., regarding the subject matter recited in claims 10-12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (571) 272-1353. The examiner

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can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (571) 272-1358. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

WAL:cdc

January 21, 2004

*Wayne A. Langel*  
WAYNE A. LANGEL  
PRIMARY EXAMINER